



Austin City Council MINUTES

For MARCH 5, 1987 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

City Council

Frank C. Cooksey
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Mark Rose
Smoot Carl-Mitchell
Sally Shipman
George Humphrey
Charles E. Urdy

Jorge Carrasco
City Manager

Elden Aldridge
City Clerk

Memorandum To:

Mayor Cooksey called to order the meeting of the Council, noting the absence of Mayor Pro Tem Trevino.

CITIZEN COMMUNICATIONS

Ms. Debra L. Higgins discussed waiving a fee for site review in order for her church to open a day care facility, Mayor Cooksey told her to talk to his office.

RECESS

Council recessed from 1:40 to 1:43 p.m. for a meeting of the Austin Housing Finance Corporation.

CONSENT RESOLUTIONS

The Council, on Councilmember Rose's motion, Councilmember Urdy's second, adopted the following resolutions in one consent motion: (5-0 Vote, Mayor Pro Tem Trevino and Councilmember Humphrey not yet in the Council Chamber.)

Wastewater Easement

Approved dedication of a 10 foot wide permanent wastewater easement and the dedication of two 2'x10' parallel temporary construction easements across the Williamson Creek Greenbelt.

Capital Improvements Program

Approved acquisition of 4,133 sq. ft. of right-of-way for industrial streets south at Congress Avenue. C.I.P. No. 85/62-62.

Approved a proposed supplemental amendment to the professional services agreement between the City of Austin and Freese & Nichols, Inc. for the Onion/Boggy Creek Wastewater Interceptor Extensions, for the Water and Wastewater Utility. C.I.P. Nos. 83/23-09 and 73/23-26.

Approved the selection of professional engineering services in connection with the planning, design and construction of the Tracor Lift Station for the Water and Wastewater Utility. C.I.P. No. 85/23-10. Prime Recommendation: Curington Associates, Inc. - Austin

Approved of the selection of professional architectural and engineering services in connection with the following:

- a. Planning, design and construction of an electric maintenance shop at the Decker Power Plant. C.I.P. No. 86/12-03 Prime Recommendation: Martinez & Wright Engineers, Inc. - Austin
- b. Planning, design and construction of a warehouse facility at the Holly Street Power Plant. C.I.P. No. 86/12-02 Prime Recommendation: LZT Associates, Inc. - Austin

Approved of the following change order:

- a. In the amount of \$27,868.85 to Lewis Contractors, Inc. for water and wastewater improvements in south central transmission main contract. (.71% increase of the original contract amount of \$3,949,249.00) C.I.P. No. 81/22-16

Approved a six month interlocal cooperation agreement with Travis County Department of Human Resources for a weatherization assistance program for the disadvantaged, Resource Management Department in the amount of \$65,000.00. C.I.P. No. 85/52-02

Approved a nine-month contract with AKG+M Communications, Inc. in the amount of \$74,060.00 and Research and Planning Consultants, Inc. in the amount of \$79,515.00 for Comprehensive Marketing Program for Conservation Programs, Resource Management Department - total amount of \$153,575.00. C.I.P. No. 85/52-03

Contracts Approved

Approved the following contracts:

3/5/87

- a. RGD BUILDERS, INC.
2013 Wells Branch Pkwy.,
Suite 312
Austin, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Traffic Signal System Control
Center Improvements,
Transportation and Public
Services Department
Total \$107,655.00 C.I.P. No.
85/88-03
- b. HILMAN CONSTRUCTORS, INC.
6901 North Lamar Boulevard
Austin, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Sidewalk and Sidewalk Improvements,
Phase III, Project 6-S, Bluebonnet
Lane, Ponciana Drive, South 2nd
Street, South 3rd Street and
Cumberland Drive, including Water
Meter Adjustments, Transportation
and Public Services Department
Total \$88,927.00 C.I.P. Nos.
86/61-03 & 83/22-04
- c. LEM CONSTRUCTION COMPANY, INC.
Route 8, Box 1290
New Braunfels, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Govalle Wastewater Treatment
Plant Improvements, Nitrification
and Flood Protection System,
Transportation and Public Services
Department
Total \$4,727,000.00 C.I.P. No.
73/23-83
- d. SIEMENS ENERGY & AUTOMATION
12200 Northwest Freeway,
Suite 200
Houston, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Three (3) Motor Control Centers,
Electric Utility Department
Items 1-3 - \$49,928.00 C.I.P. No.
85/12-02
- e. ALLIED ANALYTICAL SYSTEMS
590 Lincoln Street
Waltham, Massachusetts
- Atomic Absorption/Atomic Emission
Spectrophotometer, Controlled
Temperature Furnace Atomizer,
Aerosol Deposition Sampler and
Necessary Accessory Equipment,
Electric Utility Department
Items 1-6 - \$35,612.90 86-0407-PS
- f. JOHNSON INTERNATIONAL MATERIALS,
INC.
2908 Boca Chica Boulevard
Brownsville, Texas
- Rags, Wiping, Disposable,
General Services Department
Twelve (12) Month Supply Agreement
Total \$38,400.00 87-0001-RM
- g. BILL'S TRANSMISSION SERVICE
2615 Winnequah
Dallas, Texas
- Sixty (60) Rebuilt Automatic
Allison Transmissions, General
Services Department
Twelve (12) Month Supply Agreement
Item 1 - \$64,685.00 87-0062-FC

- h. LONGHORN INTERNATIONAL
4711 East 7th Street
Austin, Texas
- i. AT&T INFORMATION SYSTEMS
3721 Executive Center Drive,
Suite 200
Austin, Texas
- j. DIAGNOSTIC MEDICINE, INC.
7434 Louis Pasteur GL15
San Antonio, Texas
- k. BERGEN BRUNSWIG
3318 Tree Grove
San Antonio, Texas
- l. APCOA, INC.
900 Jackson Street, Suite 550
Dallas, Texas
- Twelve (12) Truck Cabs & Chassis,
General Services Department
Item 1 - \$424,092.00 87-0104-FC
 - Telephone System, Parks and
Recreation Department
Total \$39,387.95 87-S186-KM
 - Radioisotopes, Brackenridge
Hospital
Twelve (12) Month Supply Agreement
Total \$30,515.00 BS7-103
 - Needles and Syringes, Brackenridge
Hospital
Twelve (12) Month Supply Agreement
Total \$88,076.53 BS6-310
 - Management of Hospital Parking
Garage, Brackenridge Hospital
Twelve (12) Month Supply Agreement
Total Revenue \$113,232.00
EC7-012

Mail Inserting System

Approved a contract with Bell & Howell Company for an automated mail inserting system in the amount of \$198,035.00 for Electric and Water and Wastewater Utilities.

Pipe Line License Agreement

Approved entering into a Pipe Line License Agreement with the Union Pacific Railroad Company for placement of a twenty-four inch (24") wastewater main line across right-of-way near the Southland Oaks Municipal Utility District located 665.2 feet south of Mile Post #188 in Travis County.

Architects Hired

Approved a contract with Williams/Upton Architects (MBF) for space design and contract administration services for the consolidated office space of the Water and Wastewater Utility not to exceed \$65,000.00.

Circuit 968

Approved the route of and acquiring of easements or fee titles for Circuit 968, Trading Post to Patton Lane.

Circle K Corporation

Approved the provision of 1 LUE of out-of-district wastewater service by South Austin Growth Corridor Municipal Utility District No. 1 to .5 acre of land owned by Circle K Corporation.

Item Postponed

Postponed to March 12, 1987 is consideration of amending the resolution prohibiting boards and commissions to meet in executive session to allow the Grievance Committee to hold executive sessions for the purpose of deliberation.

Public Hearings Set

Set public hearings on the following:

- a. General topic areas for the 1987-88 Community Development Block Grant (CDBG) Program: April 9, 1987 at 5:00 p.m.
- b. Amended Ordinance No. 841206-D and 840927-E, the franchise agreement of Harlem Cab Company and Roy's Taxi, Inc., granting a waiver of the performance bond requirements as described in Section 8-7-78 of the City Code: March 19, 1987 at 4:00 p.m.

OLD BUSINESS

Council took no action on a proposed ordinance to amend Section 2-3-27(c) Code of the City of Austin, 1981, as amended, relating to the length of terms of the Ethics Review Commission.

Zoning Ordinances

Approved amending Chapter 13-2A of the Austin City Code (Zoning Ordinance) to cover the following changes:

- | | | | |
|-----|--------------------------------------------------------|---------------------|------------------------|
| (1) | SCEBURN O. CARTER
By Ambrust & Brown
C14r-86-197 | 1012 Slaughter Lane | From "SF-2"
to "LR" |
|-----|--------------------------------------------------------|---------------------|------------------------|

Second and third readings. First reading on December 11, 1986, (5-0). Mayor Frank C. Cooksey absent and Councilmember Charles E. Urdy out of room at roll call. Conditions have been met as follows: Development restricted to that shown on site plan attached as an exhibit to the ordinance. Right-of-way has been dedicated by street deed.

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|-----|------------------------------------------------------------|--------------------------------------------------------|--------------------------------|
| (2) | DUKE INVESTMENTS
By Ronald Crowell
C14-80-075 (part) | 6500-6800 South
I.H. 35 & 1600
North Eluff Drive | From Interim "SF-3"
to "GR" |
|-----|------------------------------------------------------------|--------------------------------------------------------|--------------------------------|

- (2) DUKE INVESTMENTS (continued)
C14-80-075 (part)

Second and third readings. First reading on October 2, 1980, (5-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

- (3) CHARLES WARD HILL 911 East Braker From "SF-2"
By Dr. Wm. M. Watson Lane to "LO" & "LR"
C14r-86-057

Second and third readings. First reading on July 31, 1986, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed. Right-of-way to be acquired through subdivision process.

- (4) STAN SCHLEUTER 500-900 Blocks of From Interim "RR"
By Kristaponis, Yager Lane to "CS", "GR",
Gregory & Assoc. "LR", "GO" & "LO"
C14r-85-339

* POSTPONED TO MARCH 26, 1987 *

Second and third readings. First reading on March 27, 1986, (5-2). Councilmembers Sally Shipman and Smoot Carl-Mitchell voted "NO". Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

- (5) DAVIS SMITH 2001 La Casa From "SF-3"
INVESTMENTS to "NO"
By Charles C. Smith
C14-86-201

Second and third readings. First reading on February 5, 1987, (4-1-0). Councilmember Charles E. Urdy voted "NO". Mayor Pro Tem John Trevino, Jr. and Councilmember George Humphrey out of room at roll call. Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

CONSENT ORDINANCES

The Council, on Councilmember Rose's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (6-0 Vote, Mayor Pro Tem Trevino absent)

Hospital Board

Approved amending Section 6-3-23 of the Code of the City of Austin by adding the president of the Brackenridge Hospital Foundation to the Hospital Board as an Ex-Officio member.

Taxicab Fares for Certain Groups

Approved amending Section 8-7-177(b) by adding an exception allowing taxicab franchise holders to contract for and provide service to qualified clients of governmental agencies, non-profit organizations or public service projects for a fee less than the taxicab fare rate, providing the service has been approved by the City Manager or his designee.

Legal Description Corrected

Amended the following ordinances to correct the legal description:

- a. Ordinance No. 870108-N, Case No. C14r-84-006 (6311-6547 South I.H. 35)
- b. Ordinance No. 840802-H, Case No. C14-83-081 (5200-5400 Muckols Crossing Road)

Council Election Called

Approved an ordinance calling the regular election for Councilmembers, and related matters thereto, April 4, 1987.

STASSNEY HEIGHTS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Rose's second, waived the requirements for three readings and finally passed an ordinance waiving Stassney Heights South (C8-87-003) from the Comprehensive Watersheds Ordinance. (6-0 Vote, Mayor Pro Tem Trevino absent)

DISABLED PERSONS

Council had before them for consideration an ordinance to amend Chapter 7-4 of the Code of the City of Austin by adding Article VII to prohibit discrimination against disabled persons.

After discussion Council set a public hearing for March 19, 1987 and ordinance reading.

DUPLEXES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Rose's second, waived the requirement for three readings and finally passed an ordinance amending the Building Code of the City of Austin to permit existing duplexes to be subdivided without installation of firewalls and sprinkler systems, but requiring retrofitting for water

and wastewater and electrical using Part 1 of the Realtor's Draft and Part 2 is 1(b) of the staff draft. (6-0 Vote, Mayor Pro Tem Trevino absent)

Councilmember Rose asked that Legal bring back a legal agreement to be included in the ordinance between owners, rather than a party wall agreement.

JOINT USE AGREEMENT

The Council, on Councilmember Rose's motion, Councilmember Shipman's second, instructed City Manager to instruct staff to bring back on March 12, 1987 an ordinance concerning joint use agreement and zoning in 7700-7800 blocks of Hwy. 71 West. (6-0 Vote, Mayor Pro Tem Trevino absent)

PUBLIC HEARING - APPEAL OF BUILDING STANDARDS COMMISSION

Mayor Cooksey opened the public hearing set for 3:00 p.m. on an appeal of the Building Standards Commission order of vacation and repair or demolition on the structure located at 3200 Beverly Road.

Mr. Page, Building Inspection Department, said the structure at 3200 Beverly was declared sub-standard in July of 1981. At that time the Building Inspection Department thought the structure was vacant because there were no utilities turned on. Mr. Parry, owner, said he did inhabit the structure and was on vacation at the time. Since the structure was declared substandard, three different permits have been secured. One permit has had one inspection and that one failed. The City has tried to go through the Municipal Court procedure, but the defendant did not appear on two separate court dates and warrants were issued and eventually dismissed because statute of limitations ran out. Building Standards Commission has discussed the structure four times. In August 1981 they ordered the owner to remove rubbish and cut vegetation and remove inoperable vehicles and cut down a dead tree. In April of 1986 they issued an order of 14 days to remove rubbish and cut vegetation and 60 days to repair the structure. In October, 1986 they ordered owner to vacate the structure and secure it in 14 days & repair or demolish in 60. The order was appealed back to Building Standards Commission and appeal was denied on December 3, 1986. He then showed slides. Mr. Page said the appellant is requesting an additional postponement today. Mr. Page said the staff's recommendation before the arrival of the letter was to deny the appeal because of lack of good faith attempt at compliance. He said advancing deterioration of the structure imposes an increasing threat to the occupants and to the neighborhood.

Phillip Parry, owner of the property, said he was living in the house in 1981 and the utilities were on except for electricity which had been turned off for non-payment of bill. Mr. Parry said he sold a lot in Belton and tried to pay the City Electric Dept. \$500 which they would not accept because Mr. Parry could not pass the 1967 Electric Code. Mr. Parry said the house passed when he bought it in 1950.

Mr. Parry went on to say his house is a combination of steel & wood frame. Mr. Parry said he had appeared at court one time. He also enumerated how he had tried to fix his house. He then enumerated his income problems.

Councilmember Shipman asked why Mr. Parry had not qualified for any of the City rehabilitation programs. Mr. Page told her the information they had was that there was a problem concerning back taxes on the property and until the taxes were paid the City could not assist him. The taxes now have been paid. Councilmember Shipman wondered why the City has a building code if they are going to let sub-standard structures exist for six years as Mr. Parry's had. She said the neighbors are the ones who have to suffer. Councilmember Shipman said either the structure should be rehabilitated or removed. and asked Mr. Parry what good faith effort he was going to put forth if Council delays decision another two weeks. Mr. Parry said he would try to get the eaves straightened. Councilmember Shipman asked what would happen if Council denies the appeal. Mr. Page said Mr. Parry would be informed, by certified mail an order to vacate the building within 14 days, and 60 days to repair or demolish the structure.

Motion

Councilmember Shipman made a motion, seconded by Councilmember Carl-Mitchell that the appeal be denied.

Friendly Amendment

Councilmember Urdy said it is appropriate to deny the appeal, but he also thinks they should ask the housing and community service staff to see if they can assist Mr. Parry during the time. Councilmember Shipman accepted the friendly amendment. Councilmember Carl-Mitchell also accepted the friendly amendment.

Councilmember Shipman told Mr. Parry, "Our City staff will work with you to secure financing to make the improvements and to assist you in getting a building permit, but the appeal process is over."

Councilmember Carl-Mitchell asked, "Has Building Inspection determined the safety of the structure or are you making assumptions about it based upon outside inspection, based on roof, etc?" Mr. Page said there has been serious concern about the roof collapsing. He said Mr. Parry has said he has repaired the roof and installed a hot water heater. Mr. Page said this work has been done unpermitted and the City is concerned about that as well. Councilmember Carl-Mitchell said if repairs begin immediately and it is determined that safety of the occupants is not an issue "then I think the structure can be occupied and repaired at the same time...this can be determined by Building Inspection". Mr. Page said "We can commit to that, yes sir."

Discussion continued concerning Mr. Parry's income, which is more than the 17,000 limit for rehabilitation money grant. Mr. Parry is not a certified client for re-hab. There are 61 certified now, and Mr. Parry would have to be brought to the head of the list in order to be helped right away.

Councilmember Rose referred to the letter Council had concerning a loan which Mr. Gronquist said they are applying for which is not City re-hab money. Councilmember Rose said, "I wanted to bring that up because I would hope the motion was not intended to say we were guaranteeing that we would do whatever way staff could to assist to qualify for the loan, particularly since Mr. Gronquist might have been referencing some other funding mechanism. If there is a way staff can help with the occupancy issue, and if he does qualify for that loan, fine, but we have been working on this a long time and the house is simply going to have to be repaired...."

Councilmember Urdy said he wanted to make his amendment clear, that "Our goal is to try to help in whatever way we can but that same goal means we do not want him staying in a sub standard house....if we can't help then we need to help him find some place else to live..."

Roll Call on Motion with Friendly Amendment

6-0 Vote, Mayor Pro Tem Trevino absent

APPEAL POSTPONED

Postponed to April 2, 1987 is an appeal from Mr. Chip Harris, president, Crestview Neighborhood Association, of the Planning Commission's decision regarding Compatibility Waiver #RZ-86-063 located at 5301 N. Lamar.

ZONING CHANGE DENIED

Council was scheduled to take action on the following:

STEPHEN A. GREENBERG	1512 Eva Street	From "SF-3" to
By Kathryn E. Allen		"NO"
C14-86-154		NOT RECOMMENDED
		<u>DENIED</u>

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, DENIED the zoning change. (6-0 Vote, Mayor Pro Tem Trevino absent)

MINUTES APPROVED

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, approved minutes for regular meeting of February 26, 1987 and special meeting of February 24, 1987. (6-0 Vote, Mayor Pro Tem Trevino absent)

ZONING HEARINGS

The Council, on Councilmember Rose's motion, Councilmember Carl-Mitchell's second, closed the public hearing, and directed the City Manager to direct staff to put this on the agenda for action March 19, 1987 at 5:30 p.m.: (6-0 Vote, Mayor Pro Tem Trevino absent)

-86 AUSTIN COMMUNITY COLLEGE William Bingham	5712 E. Riverside Drive	From "I-SF-3" To "GO" & "RR"
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The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, closed the public hearing, and directed the City Manager to direct staff to put this on the agenda for action March 19, 1987 at 5:30 p.m.

-86 AUSTIN COMMUNITY COLLEGE William Bingham	5712 E. Riverside Drive	From "I-SF-3" To Trs. 1,11,12 "GO-MU" Tr. 2 "LO-MU" Trs. 4 & 7 "SF-6" Trs. 5,7,9,10 "MF-3" Tr. 6 "LR" Tr. 8 "MF-2" Tr. 13 "P"
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Prior to the votes there was discussion by Council and members of the public concerning the zoning changes. Those speaking were Jan Albers, Paul Linehan, Della Mae Moore, Dan Angel, Mary Leonard, Denise McDonald, Bill Grice, Bill Bingham, Lori Renteria, Adam Laguna, Enrique Lopez, & Ed Alexander.

ADJOURNMENT

Council adjourned its meeting at 5:45 p.m.